

United States District Court Middle District of Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.
)

) Carribbean Cruise Line,
) And John/Jane Does
) 1-10
) Defendants.

CIVIL ACTION NO.

Plaintiff's Original Complaint

~~RECEIVED
IN CLERK'S OFFICE
APR 08 2014
U. S. DISTRICT COURT
MID. DIST. TENN.~~

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APR 22 2014
U. S. DISTRICT COURT
MID. DIST. TENN.

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Dallas County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Carribbean Cruise Lines is a Florida company and can be served via its registered agent Corporation Service Company, 1201 Hays Street, Tallahassee Fl, 32301.
3. The Plaintiff is without information on the other defendants to serve them currently but should be able to obtain such information through discovery.

Jurisdiction

4. Jurisdiction of this court arises as the acts happened and the contract was breached in this county.
5. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

6. In 2012, the Plaintiff received multiple automated phone calls, at least 6, with a pre-recorded message to the Plaintiff's cell phone which solicited the Plaintiff to call back and get registered for a free vacation cruise package with Carnival Cruise line.
7. The Plaintiff did not give permission for Carnival Cruise line to call his cell phone using an automated telephone dialing system or pre-recorded message.
8. These phone calls violated the TCPA in two ways, first by having a pre-recorded message, and second by the automated nature of them. The Plaintiff received multiple phone calls day after day, and sometimes twice in the same day.
9. The Plaintiff requests the court deem these phone calls were willful and knowing actions by the Defendants in this case and thereby assign treble damages as eligible under the statute for each and every claim. The Defendants made these calls to the Plaintiff and thousands of other people that have resulted in multiple class action lawsuits across the country
10. Additionally, the Plaintiff believes the defendants acted in concert with multiple other parties to conceal the true nature of these calls and the parties involved in making them.

CAUSES OF ACTION:

COUNT I


Violations of the Telephone Consumer Protection Act (TCPA)

11. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
12. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded message.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendant Alliance Security now and John/Jane Doe's 1-10 for the following
 - B. Statutory damages of \$3000 for each phone call.
 - C. Pre-judgment interest from the date of the phone calls.
 - D. Punitive damages for all claims in the amount of \$270,000
 - E. Attorney's fees for bringing this action; and
 - F. Costs of bringing this action; and
 - G. For such other and further relief as the Court may deem just and proper
- I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

206-312-8648

March 31, 2014